

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000.

Provides for continued examination of a utility or plant

Application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

SEP 07 2004

PTO-892 (01-04)

Application Number: 10/040,242
 Filing Date: November 9, 2001
 First Named Inventor: Lu, et al.
 Group Art Unit: 1615
 Examiner Name: I. Ghali
 Attorney Docket Number: 680.0043USU
 CUSTOMER NO.: 27623

\$RCE/615
TEN

This is a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 153 (d) (PTO/SB/29) instead of RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. _____ Previously submitted

i. _____ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____ (any unentered amendment(s) referred to above will be entered).

ii. _____ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. _____ Other _____

b. XXXXXX Enclosed

i. XXXXXX Amendment/Reply

ii. _____ Affidavit(s)/Declaration(s)

iii. _____ Information Disclosure Statement (IDS) and PTO-1449

iv. _____ Other _____

2. Miscellaneous

a. _____ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)

b. _____ Other _____

3. **Fees** The RCE fee Under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

a. XXXXXX The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. **01-0467**.

i. XXXXXX RCE fee (\$770.00) required under 37 C.F.R. §1.17(e)

ii. XXXXXX Extension of Time fee (\$420.00) (37 C.F.R. §§ 1.136 and 1.17)

iii. _____ Other _____

b. XXXXXX Check in the amount of \$ 1,190.00 enclosed

c. _____ Payment by credit card (Form PTO-2028 enclosed)

September 3, 2004

Date of Signature

Charles N.J. Ruggiero

Charles N.J. Ruggiero

Attorney for Applicant(s)

Ohlant, Greeley, Ruggiero & Perle, L.L.P.

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09/08/2004 AMONDAF1 00000061 10040242

01 FC:1801
02 FC:1252

770.00 OP
420.00 OP

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 3, 2004.

Leslie Moscatello
NAME

Leslie Moscatello
SIGNATURE

9/3/04
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lu, et al.

Serial No.: 10/040,242

For: TOPICAL COMPOSITION HAVING UNDIFFERENTIATED PLANT
SEED CELLS AND METHOD FOR USING SAME

Filed: November 9, 2001

Examiner: I. Ghali

Art Unit: 1615

Confirmation No.: 9256

Customer No.: 27,623



Attorney Docket No.: 680.0043USU

**Mail Stop Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

AMENDMENT TRANSMITTAL

We are enclosing an Amendment in the above-identified application.

Petition for extension of time pursuant to 37 C.F.R. §§ 1.136 and 1.137 is hereby made if, and to the extent, required. The fee for this extension of time is calculated to be \$420.00 to extend the time for filing this response until September 5, 2004.

The fee for any change in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	
Total Claims	29	Minus	29	0	x \$18.00	\$0
Independent Claims	6	Minus	6	0	x \$86.00	\$0
MULTIPLE DEPENDENT CLAIM FEE					x \$290.00 = \$	
TOTAL FEE FOR CLAIM CHANGES					\$0.00	
1/2 FILING FEE FOR SMALL ENTITY					\$N/A	

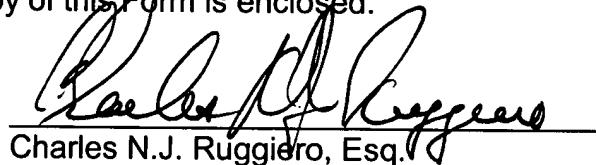
The total fee for this amendment, including claim changes and any extension of time is calculated to be \$1,190.00.

A check in the amount of \$ 1,190.00 is attached.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to **Deposit Account No. 01-0467**. A duplicate copy of this Form is enclosed.

September 3, 2004

Date



Charles N.J. Ruggiero, Esq.

Attorney for Applicant(s)

Registration No. 28,468

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

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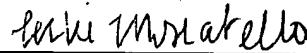
Telefax: (203) 327-6401

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON September 3, 2004.

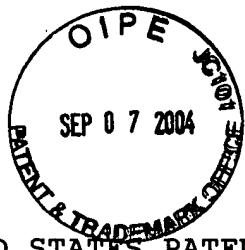
Leslie Moscatello

NAME



SIGNATURE

9/3/04
DATE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Lu

Serial No: 10/040,242

For: TOPICAL COMPOSITION HAVING UNDIFFERENTIATED PLANT
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Filed: November 9, 2001

Examiner: I. Ghali

Art Unit: 1615

Confirmation No.: 9256

Customer No: 27623

Atty. Docket: 680.0043USU

AMENDMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 5, 2004, the period for response having been extended to September 5, 2004, please amend the above-identified application according to the following:

The section entitled "Amendments to the Claims" begins at page 2.

The section entitled "Remarks" begins at page 9.